

Serial: 202157

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-IA-01303-SCT

***FREESE AND GOSS, PLLC, RICHARD
A. FREESE, DENNIS C. SWEET, III,
TIM K. GOSS, SHEILA M. BOSSIER,
BOSSIER AND ASSOCIATES, PLLC,
SWEET AND FREESE, PLLC, SWEET
AND FREESE, PLLC, DENNIS C.
SWEET, III D/B/A SWEET AND
ASSOCIATES, PLLC AND JOHN AND
JANE DOES, INDIVIDUALLY AND/OR
ENTITIES***

Petitioners

v.

JAMES ALFORD

Respondent

EN BANC ORDER

The instant matter is before the Court on the Court's own motion. On September 16, 2014, Petitioners filed their Petition for Interlocutory Appeal, asking this Court to review the chancellor's denial of their motion to transfer the case to circuit court. Because there was a pending motion to compel arbitration before the chancery court, this Court held the Petition for Interlocutory Appeal in abeyance.

Now, in a related matter, Respondent's counsel has confessed circuit court jurisdiction in the instant matter. *See Freese v. Mitchell*, No. 2014-IA-01576-SCT. Petitioners do not object to Respondent's confession.

Because the Court finds that circuit court is a proper court, the appeal is now moot. Therefore, after due consideration, the Court finds that the Petition for Interlocutory Appeal should be granted, the Chancery Court of Rankin County's order denying Petitioners' Motion to Transfer should be reversed, and this matter should be remanded to the Chancery Court of Rankin County. *See* M.R.A.P. 5(e). Upon remand, the chancery court is instructed to transfer the matter to the Circuit Court of Rankin County. Any pending issues before the chancery court, including arbitration, may then be properly decided by the circuit court.

IT IS THEREFORE ORDERED that the Petition for Interlocutory Appeal is hereby granted, the Chancery Court of Rankin County's order denying Petitioners' Motion to Transfer is reversed, and this matter is remanded to the Chancery Court of Rankin County for proceedings consistent with the instant Order. The Chancery Court of Rankin County shall transfer this matter to the Circuit Court of Rankin County.

SO ORDERED, this the 14th day of December, 2015.

/s/ Randy G. Pierce

RANDY GRANT PIERCE, JUSTICE

TO GRANT: ALL JUSTICES